UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,685	09/25/2003	Gary D. Havey	H16796 CON	8387

128 7590 02/24/2006

HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

EXAMINER	
KOVALICK, VINCENT E	

ART UNIT	PAPER NUMBER
2677	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/670,685	HAVEY ET AL.	
	Examiner	Art Unit	
	Vincent E. Kovalick	2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *9/20/03* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to Applicant's Amendment, dated November 28, 2005 in response to USPTO Office Action dated July 28, 2005.

The amendment to claim 22 and Applicant's remarks have been considered and entered in the record. In consideration of Applicant's remarks, the PTO Office Action dated July 28, 2005 is herewith withdrawn and a subsequent Action is as set forth hereinbelow.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim 19 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2 and 9 of U.S. Patent No. 6,650,305. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only

difference is in the language of claim 19 of the instant invention and claims 1, 2 and 9 of Patent No. 6,650,305; wherein claim 19 of the instant invention refers to the "portable electronic video display being worn on an operator's wrist", Patent No. 6,650,305 teaches the portable electronic video display being "worn on a part of the human body".

Regarding claim 19 of the instant invention, Claim 1 of USP 6,650,305 teaches the following limitations of said claim 19:

'A portable electronic video display comprising: a housing having an enclosed chamber and a viewing opening; a display mounted in the housing; an optics assembly coupled to the display and mounted within the housing, the optics assembly for projecting an image generated on the display to the viewing opening; an RF receiver coupled to the display for receiving a signal from a source and inputting the signal to the display thus resulting in the generation of the image'.

Claim 2 of USP 6,650,305, teaches the following limitation of said claim 19;

'a data input control mounted to the housing and coupled to a transmitter for sending control signals to a stand alone computer'.

Claim 9 of USP 6,650,305, teaches the following limitation of said claim 19;

'wherein the housing is configured to be worn on an operator's wrist'.

In a similar manner, the limitation of all the claims included in the instant invention are taught in the claims of USP 6,650,305.

4 Claims 20-21 and 23-25 are rejected under the judicially crated doctrine of obviousness-type double patenting as being unpatentable over claims 3-8 of U.S. Patent No. 6,650,305.

Claim 20 of the instant invention is taught in claim 3 of USP 6,650,305.

Claim 21 of the instant invention is taught in claim 4 of USP 6,650,305.

Claim 23 of the instant invention is taught in claim 6 of USP 6,650,305.

Claim 24 of the instant invention is taught in claim 7 of USP 6,650,305.

Claim 25 of the instant invention is taught in claim 8 of USP 6,650,305.

5 Claim 22 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,650,305. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference is in the language of claim 22 of the instant invention and claims 5 of Patent No. 6,650,305; claim 22 identifies the "power switch being engaged as the operator's face presses against the eyepiece", wherein Patent No. 6,650,305 simply teaches that "the power switch is engaged".

6. Claim 25 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent No. 6,650,305. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference is in the language of claim 26 of the instant invention and claims 5 and 9 of Patent No. 6,650,305; wherein claim 26 of the instant invention refers to the "portable electronic video display being worn on an operator's wrist", Patent No. 6,650,305 teaches the portable electronic video display being "worn on a part of the human body".

7. Claims 27-29 are rejected under the judicially crated doctrine of obviousness-type double patenting as being unpatentable over claims 10-12 of U.S. Patent No. 6,650,305.

Claim 27 of the instant invention is taught in claim 10 of USP 6,650,305.

Claim 28 of the instant invention is taught in claim 11 of USP 6,650,305.

Claim 29 of the instant invention is taught in claim 12 of USP 6,650,305.

8. Claim 30 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 13 of U.S. Patent No. 6,650,305. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference is in the language of claim 30 of the instant invention and claims 1 and 13 of Patent No. 6,650,305; wherein claim 30 of the instant invention refers to the "portable electronic video display being worn on an operator's wrist, Patent No. 6,650,305 teaches the portable electronic video display being "worn on a part of the human body".

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No.	6,029,508	Schoenbeck et al.
U. S. Patent No.	5,587,577	Schultz
U. S. Patent No.	5,408,359	Ferrett et al.
U. S. Patent No.	4,639,225	Washizuka

To Respond

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E. Kovalick whose telephone number is 571-272-7669. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent E. Kovalick
February 15, 2006

BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600